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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 CORNELIUS CLARK, CHESTER LEWIS,
15 JOHN PONDS, AND GARRANT COSEY, on
behalf of themselves and all other persons
16 similarly situated,

17 Plaintiffs,

18 vs.

19 ANNA'S LINENS, INC.,

20 Defendant.
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Case No. C05-02670-MMC

**PLAINTIFFS' STATUS CONFERENCE
STATEMENT AND MOTION AND
[PROPOSED] ORDER TO CANCEL
STATUS CONFERENCE SCHEDULED
FOR MARCH 6, 2009; ORDER CONTINUING
CONFERENCE**

Hon. Maxine M. Chesney

Date: March 6, 2009

Time: 10:30 a.m.

1 Plaintiffs Cornelius Clark, Chester Lewis, John Ponds, and Garrant Cosey (“plaintiffs”) and
 2 Defendant Anna’s Linens, Inc. (“Anna’s Linens”), by and through their counsel of record, submit this
 3 Status Conference Statement and Motion and [Proposed] Order to Cancel Status Conference Scheduled
 4 for March 6, 2009.

5 Plaintiffs submit this statement to advise the Court that the settlement agreement between
 6 Anna’s Linens and the plaintiffs in this action has been fully executed. Anna’s Linens has made partial
 7 monetary payments as required by the agreement. Defense counsel, Michael Bruno, has advised
 8 plaintiffs’ counsel that he has received the funds for the final monetary payments due under the
 9 settlement agreement and that plaintiffs’ counsel will receive them via Federal Express on Friday,
 10 March 6, 2009.

11 Plaintiffs therefore request that the Court cancel the status conference currently set for March 6,
 12 2009 as plaintiffs do not require assistance from the Court to finalize the settlement. Michael Bruno
 13 has authorized me to represent that he agrees with plaintiffs’ request to cancel the status conference.

14 Plaintiffs’ counsel will seek, within seven business days of receipt of the final monetary
 15 payments, dismissal of the individual claims with prejudice and the class claims without prejudice and
 16 without notice pursuant to the terms of the settlement agreement.

17
 18 Dated: March 5, 2009

Respectfully submitted,

19 GOLDSTEIN, DEMCHAK, BALLER, BORGAN &
 20 DARDARIAN

21 /s/ Roberta L. Steele
 22 TERESA DEMCHAK (SB #123989)
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ATTORNEYS FOR PLAINTIFFS


PROPOSED ORDER

Upon consideration of plaintiffs' motion to cancel the status conference scheduled for March 6, 2009, at 10:30 a.m., defendant's agreement thereto, and the entire record in this matter,

Good cause having been found, the status conference scheduled for March 6, 2009 at 10:30 a.m. is hereby ~~cancelled~~ continued to March 27, 2009, at 10:30 a.m.

IT IS SO ORDERED.

Dated: March 5, 2009


Honorable Maxine Chesney
United States District Court Judge